

1

2

3

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

4

5

6

IN RE: VOLKSWAGEN “CLEAN DIESEL”  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

7

8

This Order Relates To:  
MDL Dkt. Nos. 5579, 5758, 5870, 5922

**ORDER RE: MOTIONS FOR  
RECONSIDERATION AND MOTION  
TO SCHEDULE A CASE  
MANAGEMENT CONFERENCE**

9

10

11

This Order addresses several outstanding matters in the bondholders’ action that is part of  
the above-captioned MDL.

12

13

14. Lead Plaintiff’s Motion for Reconsideration

15. The Court previously granted Lead Plaintiff’s motion for leave to file a motion for  
reconsideration of the Court’s Order that denied Lead Plaintiff’s motion to amend the complaint to  
add insider trading claims under Sections 10(b) and 20A of the Securities Exchange Act of 1934.  
(*See* MDL Dkt. No. 5521 (order granting leave); MDL Dkt. No. 5339 (order denying motion to  
amend the complaint).) Now pending is Lead Plaintiff’s motion for reconsideration. (MDL Dkt.  
No. 5579.)

16. Having reviewed the motion and the authorities cited therein, as well as Defendants’  
opposition and Lead Plaintiff’s reply, the Court DENIES the motion. Lead Plaintiff has not cited  
to any controlling authority that is in direct conflict with the Court’s prior holding that the  
proposed insider trading claims would be immediately subject to dismissal under the facts alleged.  
Defendants’ motion for leave to file a sur-reply in opposition to Lead Plaintiff’s motion for  
reconsideration (MDL Dkt. No. 5758) is also DENIED.

17. Defendants’ Motion for Leave to File a Motion for Reconsideration

18. Defendants have moved for leave to file a motion for reconsideration of the Court’s Order

19

20

21

22

23

24

25

26

27

28

1 that denied their motion to dismiss the second amended complaint for failure to allege direct  
2 reliance. (*See* MDL Dkt. No. 5922 (motion for leave); MDL Dkt. No. 5339 (order denying motion  
3 to dismiss).) The arguments that Defendants make in support of reconsideration are fact based and  
4 will be resolved best at a later stage in the litigation. The motion for leave to file a motion for  
5 reconsideration is therefore DENIED.

6       3.     Motion to Schedule a Case Management Conference

7       The Court has reviewed the parties' joint case management statement (MDL Dkt. No.  
8 5909) and hereby adopts in full Defendants' proposed schedule for future litigation in this action.  
9 Lead Plaintiff's administrative motion to schedule a case management conference (MDL Dkt. No.  
10 5870) is DENIED.

11       **IT IS SO ORDERED.**

12       Dated: February 27, 2019



13       CHARLES R. BREYER  
14       United States District Judge

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28